



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
 UNITED STATES PATENT AND TRADEMARK OFFICE
 WASHINGTON, D.C. 20231
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| APPLICATION NUMBER | FILING/RECEIPT DATE | FIRST NAMED APPLICANT | ATTORNEY DOCKET NUMBER |
|--------------------|---------------------|-----------------------|------------------------|
| 10/001,960 | 12/05/2001 | Eric B. Stenzel | 12013/58901 |

CONFIRMATION NO. 1392

23838
 KENYON & KENYON
 1500 K STREET, N.W., SUITE 700
 WASHINGTON, DC 20005

FORMALITIES LETTER



OC00000007286343

Date Mailed: 01/09/2002

NOTICE OF INCOMPLETE NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

A filing date has NOT been accorded to the above-identified application papers for the reason(s) indicated below.

All of the items noted below and a newly executed oath or declaration covering the items must be submitted within **TWO MONTHS** of the date of this Notice, unless otherwise indicated, or proceedings on the application will be terminated (37 CFR 1.53(e)).

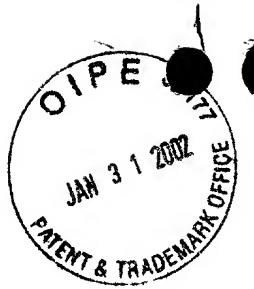
The filing date will be the date of receipt of all items required below, unless otherwise indicated. Any assertions that the item(s) required below were submitted, or are not necessary for a filing date, must be by way of petition directed to the attention of the Office of Petitions accompanied by the \$130.00 petition fee (37 CFR 1.17(h)). If the petition states that the application is entitled to a filing date, a request for a refund of the petition fee may be included in the petition.

- The application was deposited without drawings. 35 U.S.C. 113 (first sentence) requires a drawing "where necessary for the understanding of the subject matter sought to be patented." *Applicant should reconsider whether the drawings are necessary under 35 U.S.C. 113 (first sentence).*

A copy of this notice MUST be returned with the reply.

Customer Service Center
 Initial Patent Examination Division (703) 308-1202

PART 3 - OFFICE COPY



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#3

PATENT
Docket No. 12013/58901

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of : Eric STENZEL
Serial No. : 10/001,960
Filed : December 5, 2001
For : METHOD, TOOL AND SYSTEM FOR DEPLOYING
AN IMPLANT INTO THE BODY
Group Art Unit : --
Examiner : --

RECEIVED

MAR 18 2002

OFFICE OF PETITIONS

Assistant Commissioner
for Patents
Washington, D.C. 20231

**Attention: Office of Petitions
Special Programs Law Office**

Petition Under 37 C.F.R. § 1.53(e)

SIR:

In response to the Notice of Incomplete Nonprovisional Application dated January 9, 2002, regarding the above-referenced application, Applicant submits herewith this petition under 37 C.F.R. § 1.53(e) for a review of the determination that the above-referenced application was submitted without the drawings on December 5, 2001.

Applicant notes that 4 sheets of drawings were submitted and includes herewith a copy of the stamped return Patent and Trademark Office postcard which indicates that 4 sheets of drawings accompanied the application papers filed December 5, 2001.

The undersigned respectfully requests that the Patent Office (1) withdraw the Notice of Incomplete Nonprovisional Application; and (2) accept the enclosed copies of drawings as previously submitted with our transmittal letter of December 5, 2001.

If it is determined that Applicant is entitled to a filing date a Request for Refund is being made herewith. The refund should be credited to **Deposit Account No. 11-0600**. A duplicate copy of this response is enclosed for charging purposes.

The Commissioner is hereby authorized to charge the 1.53(e) petition fee of \$130.00 (pursuant to Rule 1.17(i)) to Deposit Account No. 11-0600. If there are any additional fees, the Commissioner is also authorized to charge such fees to the same account.

Respectfully submitted,

KENYON & KENYON



Fred T. Grasso
(Registration No. 43,644)

Date: January 31, 2002

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